

**REMARKS**

Claims 1-12, 16 and 76-93 are pending. By this Amendment, withdrawn claims 32-36 and 40-46 are canceled without prejudice or disclaimer. Applicants reserve the right to file one or more divisional application to pursue these claims. Claims 1, 3, 5-12, 16 and 76 are amended and claims 13-15 and 17-75 are canceled without prejudice to or disclaimer of the subject matter contained therein. Further, new claims 78-93 are added. Claim 78 recites features similar to previous claim 15, claims 79-92 recite features similar to claims 2-12, 16 and 76-77 and claim 93 recites additional features.

Applicants appreciate the courtesies shown to Applicants' representative by Examiners Hernandez and Garber in the April 28 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

It was agreed at the interview that claim 78 is patentable over the references applied in the Office Action, but that additional searching was required.

Applicants appreciate and thank the Examiner for indicating that claim 14 contains allowable subject matter. It was agreed during the interview that incorporating the subject matter of claim 14 and intermediate claim 13 into claim 1 would place claim 1 in condition for allowance. For the reasons discussed below, it is now believed that all of the claims are allowable. Accordingly, reconsideration is respectfully requested in view of the following remarks.

**I. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1, 3, 5 and 7 under 35 U.S.C. §103(a) over Aruga (U.S. Patent No. 6,429,896) in view of Niikawa I (U.S. Patent No. 6,819,355) and Tullis (U.S. Patent No. 6,535,243); rejects claim 2 under 35 U.S.C. §103(a) over Aruga in view of Niikawa I and Tullis, and further in view of Asakawa (U.S. Patent No. 6,135,809); rejects claims 4, 6 and 11 under 35 U.S.C. §103(a) over Aruga in view of Niikawa I and Tullis, and

further in view of Koyama (U.S. Patent No. 6,237,106); rejects claims 8 and 9 under 35 U.S.C. §103(a) over Aruga in view of Niikawa I and Tullis, and further in view of Niikawa II (U.S. Patent No. 6,668,134); rejects claims 10 and 13 under 35 U.S.C. §103(a) over Aruga in view of Niikawa I and Tullis, and further in view of Chatani (JP08069684); rejects claim 12 under 35 U.S.C. §103(a) over Aruga in view of Niikawa I and Tullis, and further in view of Morikawa (U.S. Patent No. 5,528,285); rejects claims 15 and 16 under 35 U.S.C. §103(a) over Aruga in view of Niikawa I, Tullis and Chatani, and further in view of Ikeda (U.S. Patent Publication No. 2002/0106199); and rejects claims 76 and 77 under 35 U.S.C. §103(a) over Aruga in view of Niikawa I and Tullis, and further in view of Steinberg (U.S. Patent No. 6,628,325). The rejections are respectfully traversed.

Claim 1 incorporates the allowable subject matter of claim 14, and thus, claim 1 is believed to be allowable.

Regarding claim 78, none of the applied references discloses or suggests a controller that causes the deletion from the internal storage of the digital camera only the transmitted image data that is not protected from deletion.

The Office Action at page 12 acknowledges that the combined teachings of Aruga, Niikawa I, Tullis and Chatani does not disclose or suggest the above-noted feature. The Office Action, however, asserts that Ikeda discloses this feature. Applicants respectfully disagree.

Ikeda discloses in Fig. 6 and at paragraphs [0071]-[0072], an image recording apparatus that detects for write-protect in a recording medium. However, Ikeda does not disclose or suggest detecting whether the individual data is protected. Thus, Ikeda's write-protect cannot be set on an image-by-image basis. Either the entire recording medium is protected or it is not. Accordingly, Ikeda does not disclose or suggest the above-noted feature

of claim 78. None of the references discloses or suggests deleting only transmitted images that are not protected from deletion.

Therefore, independent claims 1 and 78 define patentable subject matter. Claims 2-12, 16, 76-77 and 79-93 depend from the respective independent claims, and therefore also define patentable subject matter. Accordingly, withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

**II. Conclusion**

In view of the foregoing, this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-12, 16 and 76-93 are earnestly solicited.

Furthermore, an Information Disclosure Statement is submitted for the Examiner to consider the disclosed reference. The Examiner is respectfully requested to acknowledge that the Examiner has considered the reference by returning an initialed copy of the attached Form PTO-1449.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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MAC:YSC/mdw

**Attachment:**

Petition for Extension of Time  
Information Disclosure Statement  
Form PTO-1449

Date: May 10, 2005

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